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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,924	01/21/2000	Justin Langseth	53470.000046	5121

21967 7590 02/09/2005

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EXAMINER	
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ART UNIT	PAPER NUMBER
3627	

DATE MAILED: 02/09/2005

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/488,924
Filing Date: January 21, 2000
Appellant(s): LANGSETH ET AL.

Brian Buroker
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 12, 2004.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-27 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5895454	Harrington	April 20, 1999

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-27 are rejected under 35 U.S.C. 103(a). This rejection is set forth in a prior Office Action, mailed on 5/29/03.

(11) Response to Argument

1. The Examiner Has Not Established a Prima Facie Case of Obviousness

The Appellant has argued that the Examiner has not established a prima facie case of obviousness because 1) no motivation to combine exists, 1) no reasonable expectation of success exists and 3) the reference (or references when combined) must teach or suggest all the claim limitations.

The Examiner contents that a prima facie case has been established when combining Harrington and Examiner's Official notice of the ability of users to subscribe to services in order for the provider of the services the ability to gain income from the services they provide over time. There is a reasonable expectation of success that the services provided to users of the Harrington system could be provided for users only after they subscribe so that the providers of this service can generate revenue. This has been commonly done on various websites such as ESPN so it is fair to believe there is a "reasonable expectation of success" in that it is possible to do. Finally the Examiner contends that the references when combined teach or suggest all the claim limitations. Below is a claim maped out to provide reference to where the claimed limitations of Harrington can be found. Although only one reference location is given there may be many locations throughout the reference relating to the claimed limitation.

A system for delivering personalized informational content to subscribers comprising (see figure 1 showing a system for delivering personalized information to users):

A personalized intelligence network system comprising (see figure 1 showing a personalized intelligence network system):

Subscription means (Examiner took official notice that it is old and well known to have users subscribe to services in order for the provider of the services to generate revenue; Examiner notes that in Harrington column 5 lines 52+ there is a discussion of users registering for the services at which time it is reasonable to foresee that a user could "subscribe" to the services at that time) for enabling users to subscribe to one or

more services on one or more channel databases (Harrington disclose through out the patent where users are enabled to access one or more services, shown in figure 2 as vendor sites and virtual vendor sites which have databases and are discussed in column 2 lines 33+, see also column 6 line 40 discussing the use of the searching for entertainment or games);

Personalization means for enabling users to indicate personalization options relating to the one or more services (such as the user inputting querying information to specify product/service specifications column 2 lines 29+, additionally column 5 line 45+ discusses the use of users criteria by a specifically tailored search engine to identify the most appropriate websites meeting the users criteria);

One or more channel databases containing informational data about a subject matter of interest for a plurality of subscribers (such as all the databases shown in figure 1 which includes vendor website information);

Service processing means for processing at least one service from a plurality of subscribers using the information from one of the channel databases (such as when the specifically tailored search engine identifies the most appropriate websites for users based on their criteria, such as discussed in column 5 line 45);

Output forwarding means for automatically forwarding output from the services to one or more subscriber output devices specified for that service (such as the forwarding of information to users via the network shown in figure 1, for example: users are forwarded links to vendor sites, forwarded information from vendor sites, and/or

forwarded entertainment/games via the network, and forwarded info via the shopping "trolley" discussed in column 6 lines 15+);

Revenue generating means for generating revenue as a result of the output of services to subscribers (such as when the system generates revenue when it charges customers for purchases, discussed in column 4 lines 35-50 and lines 59-65; and when vendors and advertisers are charged for advertising which is discussed in column 5 lines 1-21);

2. Harrington is Non-Analogous Art

The Appellant has argued that Harrington is non-analogous art as it does not relate to a system for delivering personalized informational content to subscribers.

The Examiner contents that Harrington is analogous art as it does disclose a system which delivers personalized informational content to subscribers. Harrington has personalization means for enabling users to indicate personalization options relating to the one or more services when the user inputs querying information to specify desired product/service specifications (column 2 lines 29+). Additionally Harrington discusses (column 5 line 45+) the use of users criteria being used by a specifically tailored search engine to identify the most appropriate websites meeting the users criteria which delivers personalized information content to users when the user is forwarded services specified (such as the forwarding of information to users via the network shown in figure 1, for example: users are forwarded links to vendor sites,

forwarded information from vendor sites, and/or forwarded entertainment/games via the network, and forwarded info via the shopping "trolley" discussed in column 6 lines 15+).

3. Claim 1 is Separately Patentable

The Appellant has argued that Harrington does not teach or suggest subscription means for enabling users to subscribe to one or more services on one or more channel databases and that there is no motivation and advantage to include user subscriptions to the services of Harrington.

The Examiner contends that Harrington does teach means for enabling users to access to one or more services on one or more channel databases and that it would have been obvious to one of ordinary skill in the art to modify the registration of users in Harrington to require users to subscribe to the services in order for the service providers of the Harrington system to generate revenue for their services which is a reasonable motivation and the advantage to including user subscriptions to the services of Harrington is funding for the provider of the system of Harrington.

4. Claim 2 is Separately Patentable

The Appellant contends that there is no suggestion in Harrington to modify Harrington to provide a revenue generating means comprising a subscription transaction processing means that charges subscribers fees and that there is no

suggestion that any such subscription transaction processing means is desirable or advantageous in the system of Harrington.

The Examiner agrees that there is no suggestion in Harrington to modify Harrington to provide a revenue generating means comprising a subscription transaction processing means that charges subscribers fees BUT points out that the *Examiner has taken Official Notice of users subscribing to services so that providers of services can generate revenue from the services they provide* and this revenue for the provider of the services is "desirable and advantageous" to the system of Harrington.

5. Claim 3 is Separately Patentable

The Appellant contends that there is no suggestion in Harrington to modify Harrington to provide a periodic charge and that there is no suggestion that a periodic charge is desirable or advantageous to the system of Harrington.

The Examiner agrees that there is no suggestion in Harrington to modify Harrington to provide a periodic charge BUT points out that the *Examiner has taken Official Notice of users subscribing to services so that providers of services can generate revenue from the services they provide over a period of time which incorporates periodic charges to users* and that this revenue generated by the provider of the services is "desirable and advantageous" to the system of Harrington.

6. Claim 4 is Separately Patentable

The Appellant contends that there is no suggestion in Harrington to modify Harrington to charge a fee to the subscriber that is based on the services to which the subscriber subscribes.

The Examiner contends that Harrington does disclose the charging of a fee to users (subscribers) when users purchase services or items over the system of Harrington. Harrington discusses the purchasing of service through out the patent including where the system generates revenue when it charges customers for purchases, discussed in column 4 lines 35-50 and lines 59-65.

7. Claim 5 is Separately Patentable

The Appellant contends that there is no suggestion in Harrington to modify Harrington to charge a fee to the subscriber that is based on the usage by the subscriber of the personalized intelligence network system.

The Examiner contends that Harrington does disclose the charging of a fee to users (subscribers) when users purchase services or items over the system of Harrington which incorporates users being charged for usage of the personalized intelligence network system. Harrington discusses the purchasing of service through out the patent including where the system generates revenue when it charges customers for purchases, discussed in column 4 lines 35-50 and lines 59-65.

8. Claim 6 is Separately Patentable

The Appellant contends that there is no suggestion in Harrington to modify Harrington to provide revenue generating means comprising advertising collection means for collecting fees for advertisements included in the service outputs.

The Examiner contends that Harrington discloses revenue generating means comprising advertising collection means for collecting fees for advertisements included in the service outputs. Column 5 line 10 discusses how revenue is generated for advertising which includes providing advertising space on web pages. Advertising.

9. Claim 7 is Separately Patentable

The Appellant contends that there is no suggestion in Harrington to modify Harrington to provide revenue generating means comprising transactional means that performs transactions with subscribers resulting from the service output and allocates revenues from the transactions to the personalized intelligence network system and one or more affiliate systems.

The Examiner contends that Harrington discloses revenue generating means comprising transactional means that performs transactions with subscribers resulting from the service output and allocates revenues from the transactions to the personalized intelligence network system and one or more affiliate systems. Column 6 lines 15+ disclose the use of a "shopping trolley" and column 4 lines 59+ discuss the

allocations of money which together generate revenue and allocate the revenue to the database administrator, telecom carrier or other third party.

10. Claim 8 is Separately Patentable

The Appellant contends that there is no suggestion in Harrington to modify Harrington to provide a revenue generating means comprising bundling fee generating means for generating bundling fees for bundling service subscriptions with another product or service and allocating revenues from the bundling to the personalized intelligence network system.

The Examiner contends that Harrington discloses revenue generating means comprising bundling fee generating means for generating bundling fees for bundling service subscriptions with another product or service and allocating revenues from the bundling to the personalized intelligence network system. The Examiner contends that the "shopping trolley" disclosed in column 4 lines 59+ generates revenue for bundling the services of the subscription (charges users for use of the search engine) with other products or services when users purchase products using the shopping trolley.

11. Claim 9 is Separately Patentable

The Appellant contends that there is no suggestion in Harrington to modify Harrington to provide one or more affiliate systems that inform users about subscribing to one or more services from the personalized intelligence network.

The Examiner contends that Harrington discloses providing one or more affiliate systems that inform users about subscribing to one or more services from the personalized intelligence network. Harrington discusses a system that informs users on how to register for the services from the personalized intelligence network in column 5 lines 50+ which Examiner construes to be an "affiliate system".

12. Claim 10 is Separately Patentable

The Appellant contends that there is no suggestion in Harrington to modify Harrington to provide affiliate systems comprising an accessible network site that provides content to its users and wherein the accessible network enables user to connect to the subscription means.

The Examiner contends that Harrington discloses providing one or more affiliate systems comprising an accessible network site that provides content to its users and wherein the accessible network enables user to connect to the subscription means. Harrington shows in figure 1 a system that includes and accessible network which enables users to connect to the system which includes the ability to register (subscribe as modified above) as discussed in column 5 lines 48+.

13. Claim 11 is Separately Patentable

The Appellant contends that there is no suggestion in Harrington to modify Harrington to provide an accessible network site providing an executable link to a

network-based subscription interface system that enables the user to subscribe to one or more services.

The Examiner contends that Harrington discloses an accessible network site providing an executable link to a network-based registration (modified to be a "subscription" interface via the Official Notice) system that enables the user to register ("subscribe") to one or more services. Harrington shows in figure 1 a network site which inherently provides executable links to the registration pages, column 5 lines 50+, which by registering the users are enabled to use the searching and purchasing services of the system.

14. Claim 12 is Separately Patentable

The Appellant contends that there is no suggestion in Harrington to modify Harrington to provide an accessible network site that comprises a web site.

The Examiner contends that Harrington discloses an accessible network site that comprises a web site. Harrington shows in figure 1 a network site which inherently is a "web site".

15. Claim 13 is Separately Patentable

The Appellant contends that there is no suggestion in Harrington to modify Harrington to provide an affiliate system and a personal intelligence network that share revenues generated from subscriptions.

The Examiner contends that Harrington discloses an affiliate system and a personal intelligence network that share revenues generated from "subscriptions". Harrington discusses a registration system in column 5 lines 50+ which Examiner construes to be an "affiliate system" and a personal intelligence network as shown in figure 1 that share revenues generated in column 4 lines 59+.

16. Claim 14 is Separately Patentable

The Appellant contends that there is no suggestion in Harrington to modify Harrington to provide shared revenues based on the revenues generated by the subscribers that subscribe as a result of the affiliate system.

The Examiner contends that Harrington discloses the sharing of revenues based on the revenues generated by the users that register ("subscribers") as a result of the affiliate system (registration system discussed in column 5 lines 50+ which Examiner construes to be an "affiliate system").

17. Claim 15 is Separately Patentable

The Appellant contends that there is no suggestion in Harrington to modify Harrington to charge subscribers a fee and wherein the revenue from the fees charged to subscribers is shared between the affiliate system and the personal intelligence network system.

The Examiner contends that Harrington discloses the allocation of revenues in column 4 lines 59+ and took Official Notice that it is old and well known to have users

subscribe to services to provide revenue to the service provider and therefore the users are charges a fee for subscribing and the revenue from this subscription. These fees are shared between the "affiliate system" which is construed to be the registration system discussed in column 4 lines 59+ and personal intelligence network system which is shown in figure 1 and includes the specially tailored search engine discussed in column 5 line 45.

18. Claim 16 is Separately Patentable

The Appellant contends that there is no suggestion in Harrington to modify Harrington to provide a revenue collection means that attributes a revenue value to advertisements included in the service outputs.

The Examiner contends that Harrington discloses a revenue collection means that attributes a revenue value to advertisements included in the service outputs. Harrington discusses the ability to charge for advertising in column 5 lines 9+ which attributes a revenue value to advertisements included in service outputs, i.e. advertising space on web pages.

19. Claim 17 is Separately Patentable

The Appellant contends that there is no suggestion in Harrington to modify Harrington to provide a revenue collection means that collects an advertising revenue from the affiliate system.

The Examiner contends that Harrington discloses providing a revenue collection means that collects advertising revenue from the affiliate system. Harrington discusses the charging of fees for advertising space on web pages of the system in column 5 lines 9+. Examiner construes this to incorporate the selling of advertising space related to the registration system discussed in column 5 lines 50+ which Examiner construes to be an "affiliate system".

20. Claim 18 is Separately Patentable

The Appellant contends that there is no suggestion in Harrington to modify Harrington to provide a revenue collection means that collects an advertising revenue from a third party entity.

The Examiner contends that Harrington discloses providing a revenue collection means that collects advertising revenue from a third party entity. Harrington discusses the generation of revenue for selling advertising space on web pages in column 5 lines 9+. Examiner construes these advertisers to be "third party entities".

21. Claim 19 is Separately Patentable

The Appellant contends that there is no suggestion in Harrington to modify Harrington to provide a revenue shared between an affiliate system and the personalized intelligence network that includes advertising revenue.

The Examiner contends that Harrington discloses providing a revenue shared between an affiliate system and the personalized intelligence network that includes

advertising revenue. Harrington discusses the generation of revenue for selling advertising space on web pages in column 5 lines 9+. Harrington discusses a registration system in column 5 lines 50+ which Examiner construes to be an "affiliate system" and a personal intelligence network as shown in figure 1 that share revenues generated in column 4 lines 59+.

22. Claim 20 is Separately Patentable

The Appellant contends that there is no suggestion in Harrington to modify Harrington to provide a revenue generating means that comprises transactional means that performs transactions with subscribers resulting from the service output and allocates revenues from the transactions to the personalized intelligence network system.

The Examiner contends that Harrington discloses revenue generating means that comprises transactional means that performs transactions with subscribers resulting from the service output and allocates revenues from the transactions to the personalized intelligence network system. Harrington discusses the ability for users to purchase goods and services which are transactions that result from searching and purchasing ("trolley") services of Harrington (column 6 lines 15+). Harrington discusses the allocation of revenues in column 4 lines 59+.

23. Claim 21 is Separately Patentable

The Appellant contends that there is no suggestion in Harrington to modify Harrington to provide a revenue shared between affiliate systems and the personalized intelligence network that includes transactional related revenues.

The Examiner contends that Harrington discloses providing a revenue shared between affiliate systems and the personalized intelligence network that includes transactional related revenues. Harrington discusses the generation of revenue from selling goods or services such as by using the shopping trolley in column 6 lines 15+. Harrington discusses a registration system in column 5 lines 50+ which Examiner construes to be an "affiliate system" and also discloses a personal intelligence network as shown in figure 1 which share revenues generated. Column 4 lines 59+ discusses revenue allocation.

24. Claim 22 is Separately Patentable

The Appellant contends that there is no suggestion in Harrington to modify Harrington to provide an affiliate system that bundles a service subscription with another product or service for a fee and a revenue collection means that allocates a revenue value for a subscription portion from a bundled fee.

The Examiner contends that Harrington discloses providing an affiliate system that bundles a service subscription with another product or service for a fee and a revenue collection means that allocates a revenue value for a subscription portion from a bundled fee. The Examiner contends that purchases from the "shopping trolley" are "bundled" with the users subscription when the user is charged an amount due from the

trolley, the trolley then collects this revenue (trolley discussed in column 6 lines 15+) and the revenues are allocated (allocation of revenues discussed in column 4 lines 59+).

25. Claim 23 is Separately Patentable

The Appellant contends that there is no suggestion in Harrington to modify Harrington to provide revenue shared between affiliate systems and the personalized intelligence network that includes bundling fee allocations.

The Examiner contends that Harrington discloses providing revenue shared between affiliate systems and the personalized intelligence network that includes bundling fee allocations. The Examiner contends that purchases from the "shopping trolley" are "bundled" with other goods or services purchased on the system, the trolley then collects this revenue (trolley discussed in column 6 lines 15+) and the revenues are allocated (allocation of revenues discussed in column 4 lines 59+).

26. Claim 24 is Separately Patentable

The Appellant contends that there is no suggestion in Harrington to modify Harrington to provide at least two affiliates and wherein revenue generated is shared between at least two affiliates.

The Examiner contends that Harrington discloses providing at least two affiliates and wherein revenue generated is shared between at least two affiliates. Harrington discloses multiple vendor sites shown in figure 1, which are construed to be "affiliates".

These vendor sites generate revenue via sales and the revenue from these vendor sales are shared between the vendors. For example, if a user purchases an item from two different vendors using the trolley at the same time these revenues are then allocated to the vendors. Column 4 lines 59+ discuss the allocation of revenues. Column 6 lines 15+ discuss the use of the shopping trolley.

27. Claim 25 is Separately Patentable

The Appellant contends that there is no suggestion in Harrington to modify Harrington to provide affiliate system comprising content provision means for providing content to one or more channel databases.

The Examiner contends that Harrington discloses providing affiliate system comprising content provision means for providing content to one or more channel databases. Harrington discusses the gathering of user information when users fill in a registration page in column 5 line 52. Examiner construes the claimed "channel databases" to incorporate all the databases of the search site and databases of associated vendor sites which would also include the database that this registration information is stored in. See figure 1 showing database and vendor site.

28. Claim 26 is Separately Patentable

The Appellant contends that there is no suggestion in Harrington to modify Harrington to provide content provided by an affiliate system to an affiliate channel for that affiliate system.

The Examiner contends that Harrington discloses providing content provided by an affiliate system to an affiliate channel for that affiliate system. Harrington discusses the gathering of user information when users fill in a registration page in column 5 line 52 which Examiner construes to be an "affiliate system" which is saved in a "affiliate" channel database. Examiner construes the claimed "channel databases" to incorporate all the databases of the search site and databases of associated vendor sites which would also include the database that this registration information is stored in. See figure 1 showing database and vendor site.

29. Claim 27 is Separately Patentable

The Appellant contends that there is no suggestion in Harrington to modify Harrington to provide affiliate system comprising content filtering means for specifying filters to be applied to service output prior to sending service output to subscribers from that affiliate system.

The Examiner contends that Harrington discloses providing affiliate system comprising content filtering means for specifying filters to be applied to service output prior to sending service output to users/"subscribers" from that affiliate system. Harrington discusses the registration system and how data entered by users is used to filter content output to these users in column 5 lines 48+. For example it discusses the filtering of information by locality, such as only providing information on local services such as take away food.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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Examiner
Art Unit 3627

February 7, 2005

Conferees:

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